

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow dated 27<sup>th</sup> Jan., 1996.

C.C.P. No. 44/1991

HON. MR. V.K. SETH, MEMBER(A)

HON. MR. D.C. VERMA, MEMBER(J)

Ranjeet Singh aged about 41 years, son of Sri Ram Singh R/o village and Post office Sahjanwa, District Gonda.

Applicant

By Advocate Shri Anil Srivastava.

versus

1. Sri P.D. Srivastava, Superintendent Post offices, Gonda.

2. R.S. Singh Sub-Divisional Inspector, Post offices, Western Sub Division, Gonda.

Respondents.

By Advocate Dr. Dinesh Chandra.

**O R D E R**

**HON. MR. V.K. SETH, MEMBER(A)**

Vide this Contempt Petition, the petitioner has prayed for action against the opposite parties for disobedience of Interim orders passed by this Tribunal on 14.8.91 in O.A. 292/91(L). Notices were issued to the opposite parties.

2. Affidavits have been exchanged and we have also heard the learned <sup>counsel</sup> for the two sides.

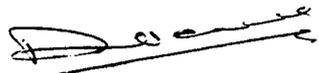
3. The operative portion of the interim order in the O.A. stated "Issue notice to the respondents to show cause why this petition may not be admitted. List for orders on 28.8.91. Till then the applicant will be allowed to

continue to work as outsider group 'D' at Katra Kauria Line....."

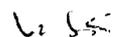
3. In the Counter Affidavit, filed by the respondents, it has been interalia stated that in compliance of the order dated 24.7.91, of respondent No. 2 in the contempt petition, the petitioner was relieved on 1.8.91 and that the petitioner refused to sign the relevant order. It is further averred that Sri Mata Prasad who was posted in place of the petitioner had joined on 1.8.91, but was not allowed to perform his duties on 1.8.91 and 2.8.91. Further, the Sub Divisional Inspector posted one Shri Kriparam Tewari who was next senior in the cadre of E.D.As and Shri Kriparam joined as Group 'D' at Katra, Kauria Line on 3.8.91(A.N.) and started working as such. It is also added that till regular appointment on the post of Group D Katra lines was made, Shri Ranjeet Singh the petitioner, Shri Mata Prasad and Kriparam Tewari were temporarily engaged to work on Katra lines. Further statement has been made that since the applicant was already ordered to be relieved on 1.8.91 on joining of Mata Prasad, <sup>and</sup> he refused to sign the order book, he was deemed to have been relieved. The stand of the respondents, therefore is that on 15.8.91, when the orders of the Hon'ble Tribunal were delivered, the applicant was no more working on the post and therefore, the question of his continuance to work does not arise. || The contention of the petitioner in his

Rejoinder as also urged during the course of hearing is that after Sri Kripa Ram Te-wari, one Sri Salik Ram was posted on 18.11.91 after the communication of the Interim orders of the Tribunal to the respondent on 15.8.91 and that Shri Salik Ram was not a regular candidate and was of the same status as the applicant which is contemptuous violation of orders of this T-ribunal. Posting of one Shri Ram Milan is also mentioned.

4. From the wording of the Interim order, it is clear that on 14.8.91, when the order was passed, the impression given to the Tribunal was that the petitioner was working. It was only in this background that the Tribunal passed the order that the applicant will be allowed to continue to work....." Since the applicant had already been relieved on 1.8.91, and well before the Interim orders on 14.8.91, one Mata Prasad and on 4.8.91 one Sri Kripa Ram Tewari was posted in place of the petitioner, the continuance of applicant could not obviously arise. In our considered view, therefore, there has been no disobedience of the Interim orders of the Tribunal. The contempt petition is therefore, hereby dismissed and notices issued to the respondents stand discharged.



MEMBER((J)



MEMBER(A)

Lucknow; Dated: 9.1.96

Shakeel/